

Remarks:

The amended claims 1 and 8 and newly submitted claims 15 – 20 serve to address and rectify the objections raised in paragraphs 3-6 of the Office Action.

These claims are believed to more particularly point out and distinctly claim the subject matter of the invention.

The applicant has considered the prior art objections and respectfully disagrees with the Examiner. In the Applicant's view, the cited prior art does not render obvious the newly presented claims.

New claim 1 specifies that the inner layer is impermeable and in particular when said pack is heated said impermeable inner layer remains impermeable. This finds support on page 3, lines 1 and 2. It also finds support on page 5, lines 6-9 where the inner impermeable layer 2 is said to create an impermeable layer whilst being microwaveable and heatable to a temperature of say 270°C.

Furthermore, new claim 1 specifies that the layer of board contains a trapped substance selected from the group comprising moisture, water, gas and deforming substance. This feature finds support on page 2, lines 25-26.

Furthermore, the pack also specifies that perforations allow the trapped substance to escape the layer of board. This feature also finds support on page 2, lines 24-26.

Amended claim 8 incorporates corresponding amendments. New claims 15-20 are the features of claims 9-14 in the context of a sheet.

Amended claim 1 is not rendered obvious by the combination of Lin (US7077923) in view of Quick (US4757940).

Lin fails to disclose an impermeable inner layer which when the pack is heated remains impermeable. The melting point of the sealing layer 16 is between 40-110°C in the Lin prior art document (see for example column 6, lines 33-49). At ordinary oven and/or microwave temperatures Lin's film is air permeable. Even the sealing layers 20 and/or 30 incorporate predefined opening lines which are formed as indicated on column 4, lines 66 to column 5, line 2 by an impression process. The outer layer 10 incorporates open perforations which will

extend along the predefined opening lines as the structure swells due to the pressure differential between the inside of the packaging bag and the outside; thereby causing ventilating perforations. The walls of the bag become air and vapour permeable (see for example: column 2, lines 51-53, column 3, lines 6-12, column 3, lines 17-22, column 5, lines 14-20, column 7, lines 33-60 and column 9, lines 32-44).

Furthermore, Lin also fails to disclose a layer of board which contains a trapped substance selected from the group comprising moisture, water, gas and deforming substance. By contrast, instead of a board Lin employs an air permeable composite film (see for example column 1, lines 12-17 and column 2, lines 19-20). The only mention of a tray for cooking food is on column 8, line 59 to column 9, line 12. In this embodiment, the film is only used on the open rim to seal the microwave tray. A breathable outer protective layer covering the board is not envisaged. In addition, there is no discussion or even suggestion of a layer of board containing a trapped substance selected from the group comprising moisture, water, gas and deforming substance. The perforations of the prior art are only mentioned in association with venting vapour and/or air generated within the pack by its food content. The vents allow the vapour and/or air generated within the pack to exit through the film to its outside environment.

The applicant also acknowledges that Lin fails to disclose that the outer layer is a varnish.

The features, which are not present in Lin, cannot be obtained in their entirety by hypothetically combining Lin with Quick. In particular, there is no disclosure of a layer of board containing a trapped substance selected from the group comprising moisture, water, gas and deforming substance. There is also no disclosure of perforations extending from the layer of board and through the outer layer of varnish whereby the perforations allow the trapped substance to escape the layer of board. By contrast, the prior art in Quick is a paper board tray which exhibits improved flame resistance by laminating the paper board on its non-food contacting surface with a paper coated with an essentially non-burning coating such as a silicone polymer coating or a highly pigmented coating of the sort generally used on publication grade papers. Nowhere is there any suggestion of this coating being broken by perforations through the coating. It is also unclear how a coating of the prior art would be anything but

homogeneous. There is also no evidence of the coating of “conventional water-based flexographic inks” being breathable.

The dependent claims incorporate the features of claim 1 and therefore also incorporate the inventive features.

Amended claim 8 is also novel and inventive for the same reasons as detailed with regards to amended claim 1.

The Applicant submits that many if not all of the dependent claims are independently distinguishable of the cited prior art. The applicant has merely submitted those arguments which are considered to be sufficient to distinguish the claims over the cited prior art.

Unique advantages arise from the combination of features of new claim 1. They allow the materials to withstand the high temperatures encountered in combination ovens using microwave and conventional heat typically in excess of 240°. They allow the contents of the pack to encounter a sealed layer even at these temperatures. The presence of the board with trapped substances improves the heat resistance of the pack. The outer layers reduce are resistant to blistering, bubbling or other forms of disfiguration.

The Applicant’s invention is therefore new and inventive with regard to the prior art. It is therefore requested that a notice of allowance be issued and that all of the pending claims be allowed.

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